

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

In the Matter of	)	
	)	
Distribution of 2004, 2005, 2006,	)	Docket No. 2012-6 CRB CD
2007, 2008 and 2009 Cable	)	2004-2009 (Phase II)
Royalty Funds	)	
 In the Matter of	)	
	)	
Distribution of 1999-2009 Satellite	)	Docket No. 2012-7 CRB SD
Royalty Funds	)	1999-2009 (Phase II)
	)	

**Independent Producers Group's Motion For Final Distribution  
Of 1999-2009 Satellite Funds And 2004-2009 Cable Royalty Funds**

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Independent Producers Group moves pursuant to 17 U.S.C. Section 801(b)(3) for a final distribution of Independent Producers Group' share of copyright royalty funds allocated to the Devotional and Program Suppliers categories collected for satellite royalty years 1999-2009, and cable royalty years 2004-2009.

The Judges resolved all allocation phase controversies regarding the Devotional and Program Suppliers categories' share of funds collected for satellite royalty years 1999 through 2009, and cable royalty years 2004 through 2009 in the Judges' *Final Distribution Determination*, 83 Fed. Reg. 62,908 (Dec. 16, 2018), and *Final Distribution Determination*, 84 Fed. Reg. 16,038 (Apr. 17, 2019). Independent Producers Group appealed both final determinations to the U.S. Court of Appeals for the D.C. Circuit. The D.C. Circuit affirmed the Judges' final determinations in a judgment entered on July 21, 2020 (*Independent Producers Group v. CRB*, D.C. Cir. No. 18-1337, et al. (July 21, 2020)), and issued its mandate in the appellate proceeding on September 14, 2020.

Independent Producers Group' distribution phase shares of satellite and cable royalty funds allocated to the Devotional category are as follows:

<b>Independent Producers Group' Distribution Phase Shares -- Devotional Category</b>	
<b>Satellite Royalty year</b>	<b>Independent Producers Group share (percent)</b>
1999	0%
2000	0%
2001	1.2%
2002	1.5%
2003	2.8%
2004	1.2%
2005	1.6%
2006	8.8%
2007	2.9%
2008	0%
2009	2.1%

<b>Independent Producers Group' Distribution Phase Shares -- Devotional Category</b>	
<b>Cable Royalty year</b>	<b>Independent Producers Group share (percent)</b>
2004	10.9%
2005	10.8%

2006	12.5%
2007	7.6%
2008	9.8%
2009	10.0%

Independent Producers Group's distribution phase shares of satellite and cable royalty funds allocated to the Program Suppliers category are as follows:

<b>Independent Producers Group' Distribution Phase Shares -- Program Suppliers Category</b>	
<b>Satellite Royalty year</b>	<b>Independent Producers Group share (percent)</b>
2000	.46%
2001	.25%
2002	.26%
2003	.35%
2004	.13%
2005	.27%
2006	.35%
2007	.23%
2008	.22%
2009	.43%

<b>Independent Producers Group’ Distribution Phase Shares -- Program Suppliers Category</b>	
<b>Cable Royalty year</b>	<b>Independent Producers Group share (percent)</b>
2004	.40%
2005	.40%
2006	.66%
2007	.56%
2008	.72%
2009	.56%

Notwithstanding the foregoing, prior to any distribution to Independent Producers Group or other claimants in the Devotional and Program Suppliers categories, Independent Producers Group requests that it be afforded the opportunity to review and comment on the calculations of the Licensing Division. In connection with the distribution of royalties from this and other proceedings, significant calculation errors have been identified. In certain instances, the distribution of significant royalties occurred before any party had opportunity to review the Licensing Division calculations, now requiring that those calculations be revisited.

## CONCLUSION

For the reasons set forth above, Independent Producers Group' motion for final distribution of its 1999-2009 Satellite Royalties and 2004-2009 Cable Royalties in the Devotional and Program Suppliers categories should be granted, and the Judges should order a final royalty distribution to Independent Producers Group and all other parties only after an opportunity for review of the calculations made by the Licensing Division.

Respectfully submitted,

September 25, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
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### **CERTIFICATE OF SERVICE**

I certify that on September 25, 2020, I caused a copy of the foregoing pleading to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

\_\_\_\_\_/s/\_\_\_\_\_  
Brian D. Boydston, Esq.

# Proof of Delivery

I hereby certify that on Friday, September 25, 2020, I provided a true and correct copy of the Independent Producers Group's Motion For Final Distribution Of 1999-2009 Satellite Funds And 2004-2009 Cable Royalty Funds to the following:

Devotional Claimants, represented by Benjamin S Sternberg, served via ESERVICE at ben@lutzker.com

MPA-Represented Program Suppliers, represented by Lucy H Plovnick, served via ESERVICE at lhp@msk.com

Signed: /s/ Brian D Boydston